

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel H. Kim
Application No.: Not assigned Group Art Unit: Not assigned
Filed: March 25, 2004 Examiner: Not assigned
Confirmation No.: Not assigned
Title: SURGICAL RETRACTOR POSITIONING DEVICE

<p>Date: <u>March 25, 2004</u></p> <p>EXPRESS MAIL LABEL NO. <u>EV214950139US</u></p>

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

☒ Enclosed herewith is form PTO-1449:

☒ Copies of cited references AR, AS, and AT are enclosed.

☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.

☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:

☐ the explanation provided on the attached sheet.

☐ the explanation provided in the Specification.

☐ submission of the enclosed International Search Report.

☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.

☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By _____

Erik L. Ence

Registration No.: 42,511

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: March 25, 2004

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION March 25, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3518.1014-000		APPLICATION NO.	
	FIRST NAMED INVENTOR Daniel H. Kim		FILING DATE March 25, 2004	
	EXAMINER		CONFIRMATION NO.	GROUP

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	US 2004/0002629 A1	01/01/2004	Branch, <i>et al.</i>
	AB	US 2003/0191371 A1	10/09/2003	Smith, <i>et al.</i>
	AC	6,500,116 B1	12/31/2002	Knapp
	AD	6,214,004 B1	04/10/2001	Coker
	AE	6,187,000 B1	02/13/2001	Davison, <i>et al.</i>
	AF	6,139,493	10/31/2000	Koros, <i>et al.</i>
	AG	6,007,487	12/28/1999	Foley, <i>et al.</i>
	AH	5,944,658	08/31/1999	Koros, <i>et al.</i>
	AI	5,928,139	07/27/1999	Koros, <i>et al.</i>
	AJ	5,688,223	11/18/1997	Rosendahl
	AK	5,520,610	05/28/1996	Giglio, <i>et al.</i>
	AA2	5,512,038	04/30/1996	O'Neal, <i>et al.</i>
	AB2	5,363,841	11/15/1994	Coker
	AC2	5,052,373	10/01/1991	Michelson
	AD2	4,747,394	05/31/1988	Watanabe
	AE2	4,355,631	10/26/1982	LeVahn
	AF2	3,522,799	08/04/1970	Gauthier
	AG2			
	AH2			
	AI2			
	AJ2			
	AK2			
	AA3			
	AB3			
	AC3			

EXAMINER	DATE CONSIDERED
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AR	"A Complete Catalog of Instruments For Knee Trauma Extraction/Revision Shoulder Hip," Sales Brochure by Innomed, 3 pages.	
AS	"Bookwalter Radiolucent Blades," Sales Brochure by Codman, 4 pages.	
AT	"Spinegate: Minimally-Invasive Spinal Retractor System," Sales Brochure by Geister, 5 pages.	
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